

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CARRIER CREDIT SERVICES DE PUERTO
RICO, INC., formerly known as
TAG/ICIB SERVICES, INC., as agent
of AMERICAN PRESIDENT LINES

Plaintiff

vs.

ROBERT MATTA BAEZ

Defendant

CIVIL NO. 10-1957

COLLECTION OF DEMURRAGE

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW plaintiff, Carrier Credit Services de Puerto Rico, Inc., formerly known as TAG/ICIB Services, Inc. ("CCS"), as agent for American President Lines ("APL"), through its undersigned attorneys and respectfully states and prays:

1. This is an action in admiralty for collection of demurrage by an Ocean carrier. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1333, since this is an action on a bill of lading containing a maritime contract. Because this is an action in admiralty, jurisdiction in this Court is also proper pursuant to FED. R. CIVIL. P. 9(h).

2. CCS is a corporation organized under the laws of the Commonwealth of Puerto Rico.

3. CCS serves as agent of APL for collection of Ocean freight and demurrage.

4. APL is an Ocean carrier engaged in the transportation of goods by sea and operates subject to the applicable freight and demurrage tariffs.

5. Pursuant to the applicable tariffs, APL is obligated to collect all freight and demurrage charges due and owed pursuant to the tariffs on file.

6. Robert Matta Baez, upon information and belief, is an individual and resident of the Commonwealth of Puerto Rico.

7. On multiple occasions, Robert Matta Baez utilized the services and facilities of APL, for transportation of cargo in ships and cargo containers of APL.

8. Under the terms of the applicable tariffs, Robert Matta Baez is required to pay the freight and demurrage charges incurred by it in connection with transportation of goods by APL and the use of its cargo containers.

9. The applicable tariffs provide for a period of time during which Robert Matta Baez was allowed to load or unload containers at places of origin and destination, free of charge ("free-time"). After expiration of the free-time contemplated by the applicable tariffs, Robert Matta Baez is required to pay a demurrage charge for each day a container is retained beyond such period.

10. On multiple occasions Robert Matta Baez has retained the containers of APL beyond the free-time period.

11. CCS, as agent for APL, has attempted to collect the demurrage charges corresponding to the period during which Robert Matta Baez retained containers beyond the free-time period.

12. CCS, as agent for APL, has billed Robert Matta Baez \$14,100.00 for demurrage charges which defendant has refused to

pay. Enclosed, as "Exhibit A", which is incorporated and made part of this allegation is a statement of account identifying the amount of each invoice upon which the claim in the instant action is based, and the number of each invoice.

WHEREFORE, Carrier Credit Services de Puerto Rico, Inc., formerly known as TAG/ICIB Services, Inc. ("CCS"), as agent for American President Lines ("APL") hereby prays that Judgment be entered against Robert Matta Baez, ordering payment of \$14,100.00 for demurrage charges owed pursuant to the applicable tariffs, plus interest and costs.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 4th day of October, 2010.

Enrique Peral, USDC-PR 202802
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